

**July 20, 1998**

**DURHAM, NORTH CAROLINA  
MONDAY, JULY 20, 1998  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time Mayor Pro Tempore Clement recognized Mrs. Jessie D. Lyons who celebrated her 100th birthday recently. Council Member McKissick gave an update on the recent Sister City Trip to Durham, England. Also, Council Member Cox made available to the citizens information on his recent Community Meeting held on July 1, 1998.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Clerk Bowers reminded the council of valid protest petitions filed against the Trammell Crow Rezoning Case. **[No priority items from the City Manager/City Attorney]**

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. It was noted by the Mayor that Consent Item 28 [Moratorium on Enforcement of Current Flag Ordinance] was pulled at the Committee-of-the-Whole Meeting on Thursday, July 16th.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: USE OF FEDERAL ASSET FORFEITURE FUNDS TO PURCHASE EMERGENCY EQUIPMENT FOR UNMARKED POLICE CARS**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the use of Federal Asset Forfeiture Funds in an amount not to exceed \$28,000 to purchase emergency equipment for unmarked police cars was approved at 7:42 p.m. by the following

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vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ACCEPTANCE OF DONATION FROM THE DURHAM BULLS TO PURCHASE GUN LOCKS - PETER ANLYAN**

**MOTION** by Council Member Larson seconded by Council Member Millerto authorize the City Manager to accept a \$7,000 donation from Peter Anlyan, on behalf of the Durham Bulls, to be used for the purchase of gun locks was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH DURHAM HOUSING AUTHORITY FOR PROVISION OF SUPPLEMENTAL POLICE SERVICES**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with the Durham Housing Authority for the provision of supplemental police services was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SECOND YEAR PASS-THROUGH GRANT FOR EL CENTRO HISPANO - NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the Grant Project Ordinance for "Crecimiento y Comunidad" funded by the North Carolina Department of Crime Control and Public Safety, in the amount of \$50,000 for fiscal year 1998-99 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF DURHAM AND BEN F. ROBINSON - DISTRICT #4 POLICE SUBSTATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve and authorize the City Manager to execute the Amendment to the Lease Agreement with Ben F. Robinson for District #4 Police

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Substation was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LEASE AGREEMENT BETWEEN DUKE UNIVERSITY AND THE CITY OF DURHAM AND THE COUNTY OF DURHAM FOR A BACKUP 911 COMMUNICATION CENTER**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve and authorize the City Manager to execute a Lease Agreement between Duke University and the City of Durham and the County of Durham for a Backup 911 Communication Center; and

To authorize the City Manager to modify the Lease, before executing it, if he finds that the modifications are consistent with the general intent of the existing version of the Lease was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: TAXICAB COMMISSION - SUNSET PROVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt An Ordinance Reenacting Ordinance #6863, "An Ordinance Creating a Taxicab Commission and Prescribing the Powers and Duties Thereof"--extends Sunset Provision through July 31, 1999 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REPORT OF INSURANCE PURCHASES FOR FISCAL YEAR 1998**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report of the insurance purchases made during FY 1998 and through July 1, 1998 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PRIVATE SALE OF SURPLUS PASSENGER VAN - DURHAM COUNCIL FOR YOUTH ENRICHMENT, INC.**

**MOTION** by Council Member Larson seconded by Council Member

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Millerto declare vehicle #24230, a 1986 Chevrolet passenger van, as surplus property; and

To adopt a "Resolution Authorizing the City Manager to Dispose of Vehicle #24230 by Private Sale to the Durham Council for Youth Enrichment, Inc" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CHANGE OF TIPPING FEES ON NON-COMMERCIAL LICENSED PICKUP TRUCKS, VANS, AND TRAILERS FOR USE OF SOLID WASTE DISPOSAL FACILITIES**

**MOTION** by Council Member Larson seconded by Council Member Millerto adopt a "Resolution Changing Pickup Trucks, Vans and Trailer Fees for Use of Solid Waste Disposal Facilities" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PHOENIX CROSSING (LOAN REQUEST)**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to issue a firm commitment letter to Zuri & Associates specifying the general terms and conditions under which the City of Durham will participate in the financing of the proposed Phoenix Crossing Shopping Center;

To authorize the City Manager to execute a site improvements grant agreement between the City of Durham and Zuri & Associates for an amount not to exceed \$300,000 and contingent upon Zuri & Associates accepting and meeting the terms and conditions set forth in the City of Durham's commitment letter; and

To authorize the City Manager to enter into a loan agreement between the City of Durham and Zuri & Associates and to execute said loan agreement, promissory note, and related documents for an amount not to exceed \$500,000 and contingent upon Zuri & Associates accepting and meeting the terms and conditions set forth in the City of Durham's commitment letter was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: DURHAM CITY STORE OPERATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report on the Durham City Store(s) operation was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: 1998 LEGISLATIVE PROGRAM**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report on the status of the City's 1998 Legislative Program was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REPORT FROM HAYTI DEVELOPMENT CORPORATION CONCERNING THE 1000 EAST MAIN STREET PROPERTY**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from Hayti Development Corporation concerning the 1000 East Main Street property was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LIVE FIRE TRAINING EXERCISE - 506 BRUCE STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the burning of the structure located at 506 Bruce Street for a live fire training exercise was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SITE PLAN APPROVAL FOR DUKE UNIVERSITY KELLER CENTER EXPANSION - PHASE 2A**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a site plan for the Duke University Keller Center Expansion - Phase 2A, submitted by Duke University and Mark Robinson and Associates, consisting of a 5-story, 60,000 square-foot addition to the Duke University Keller Center, West Wing, and

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an 1,800 square-foot chiller building, proposed on a ±6.4 acre portion of a 95 acre site, zoned R-10 and located on the south side of Tower Boulevard, east of Erwin Road, west of Science Drive, and north of NC 751-Cameron Boulevard (Tax Map #106-01-01) was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: GRANT FROM INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES (ICLEI) TO DEVELOP GREENHOUSE GAS REDUCTION ACTION PLAN**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with ICLEI for accepting a grant award of \$23,000 for the development of a Greenhouse Gas Reduction Action Plan; and

To adopt a "Grant Project Ordinance Concerning Greenhouse Gas Reduction Action Plan" was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR ENGINEERING SERVICES FOR BUSINESS, OPERATIONS, ORGANIZATIONS, MANAGEMENT, AND EXPANSION PLAN FOR WATER AND SEWER UTILITIES - CH2M HILL, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with CH2M HILL, INC. of Charlotte, North Carolina in the amount of \$272,200 for completion of a Water and Sewer Utility Strategic Plan was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED ACQUISITIONS FOR MARTIN LUTHER KING, JR. PARKWAY**

a. Proposed Acquisition - William McCloud and Wife Rose

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the acquisition of a construction easement containing approximately 22,637 square feet and 4,289 square feet of permanent right of way, located at Hope Valley and Archdale Roads, Tax Map 415-06-001A, 002, 003, and 004, property of William McCloud and Wife Rose, for \$31,800 was approved at 7:42 p.m. by

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the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

b. Proposed Acquisition - Property of R. Lee Brown and Wife Dianne

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the acquisition of a 50,692 square foot construction easement containing a water and sewer easement approximately 420' x 25' and 16,658 square feet of permanent right of way, located at 3407, 3407-#5, 3409 Hope Valley Road and 3422 Whitaker Road (Tax Maps 415-06-005, 007, 008, 008A, 009, 010, 010A, and 416-01-002C) as shown on the right-of-way acquisition map for Martin Luther King, Jr. Parkway, property of R. Lee Brown and Wife Dianne, for \$164,000 and a non-warrant deed executed to the City to the property located at 3432 Whitaker Road (known as Tax Maps 415-06-010 and 011) was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ROCKY CREEK/PEARSONTOWN TRAILS: SEGMENTS 2 AND 4 - G. H. WILLIAMS COLLOBORATIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with G. H. Williams Collaborative in the amount of \$32,000, with an additional \$8,000 contingency, for consultant services for the construction documentation, bidding, and contract administration of Segments 2 and 4 of the Rocky Creek/Pearsontown Trails was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER EXTENSION AGREEMENT WITH J & D REALTY OF DURHAM, INC. FOR BUCK CROSSING**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water extension agreement with J & D Realty of Durham, Inc. for the extension of City water to serve Buck Crossing, an 18.55-acre, 44-lot, single-family subdivision located on the east side of NC Highway #751 south of I-40 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council

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Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER EXTENSION AGREEMENT WITH ESA MANAGEMENT, INC. FOR CROSSSLAND HOTEL**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water extension agreement with ESA Management, Inc. for the extension of City Water to serve the Crossland Hotel site located on the west side of N.C. #55 between Sedwick Road and N.C. #54 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH ED ASSOCIATES, LLC FOR RIDGEWOOD SUBDIVISION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water and sewer extension agreement with ED Associates, LLC, for the extension of City water and sewer to serve Ridgewood Subdivision, a 51.84-acre, 181-lot, single-family subdivision located on the north side of Mineral Springs Road and east of Daniel Road was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT WITH CHRISTOPHER D. MARSHALL FOR COMMERCIAL LOTS ON ALSTON AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a sewer extension agreement with Christopher D. Marshall for the extension of City sewer to serve four commercial lots on the east side of Alston Avenue approximately 700 feet south of Riddle Road was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: 2025 TRANSPORTATION PLAN SOCIO-ECONOMIC FORECASTS**



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**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report and presentation concerning the Draft Socio-Economic Forecasts and Methodology for Durham County was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: REPORT CONCERNING LEXINGTON AND FRANCIS STREETS DEVELOPMENT ISSUES**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning development issues in the Lexington and Francis Streets area was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: TAXICAB ORDINANCE**

**MOTION** by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, August 3, 1998 to receive citizen comments on the proposed Taxicab Ordinance [Draft] was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RESOLUTION MEMORIALIZING CLAIBORNE TAPP**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution memorializing Claiborne Tapp was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ANNUAL CERTIFICATION OF FIREMEN**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to certify the "1997/98 Annual Certification of Firemen" for the North Carolina Firemen's Pension Fund was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley,

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Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BID REPORT - MAY 1998**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve and record in the minutes bids and items displayed in the attachment which were acted upon by the City Manager during the month of May, 1998 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[See Attachment #1 for itemized bid report]**

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR GASOLINE, PETROLEUM TRADERS (467,000)**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from Petroleum Traders in the amount of \$263,154.50 for furnishing the City with its estimated annual requirements for gasoline was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - TRANSFER STATION OPERATING EQUIPMENT - A. E. FINLEY & ASSOCIATES, INC. AND E. F. CRAVEN COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the bid from A. E. Finley & Associates, Inc. in the amount of \$355,530.00 for two wheel loaders (Item No. 1); and

To accept the bid from E. F. Craven Company in the amount of \$118,980.00 for one wheeled excavator (Item No. 2) was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: TAXICAB DRIVER'S PERMITS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a listing from the Taxicab Inspector concerning the issuance of taxicab driver's permits was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore

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Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.  
Noes: None. Absent: None.

**SUBJECT: PARKING PROHIBITION - SOUTH DRIVER STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at any time on the east side of South Driver Street in the area beginning at the north curb line of Ashe Street, if extended, and extending for a distance of 52 feet northwardly was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PARKING PROHIBITION - VIVIAN STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #3654, adopted January 2, 1973, which prohibits parking on Vivian Street between Blackwell and Mangum Streets; and

To adopt an ordinance to prohibit parking on the south side of Vivian Street between Blackwell and Mangum Streets was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.  
Noes: None. Absent: None.

**SUBJECT: PARKING - IREDELL STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish two-hour parking between the hours of 7:00 a.m. and 6:00 p.m., except Sundays and holidays, at the following locations was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. On the west side of Iredell Street in the area beginning at a point 100 feet north of the north curb line of Perry Street, if extended, and extending for a distance of 216 feet northwardly;
- b. On the east side of Iredell Street in the area beginning at a point 36 feet north of the north curb line of Perry Street,

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if extended, and extending for a distance of 165 feet northwardly; and

- c. On the east side of Iredell Street in the area beginning at a point 255 feet north of the north curb line of Perry Street, if extended, and extending for a distance of 68 feet northwardly.

**SUBJECT: STOP SIGN - SHAFTSBURY STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Shaftsbury Street at Calumet Drive, southeast corner was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FORTY-FIVE MILE PER HOUR SPEED LIMIT - LUMLEY ROAD**

**MOTION** by Council Member Larson seconded by Council Member Millerto adopt an ordinance establishing a 45 mph speed limit on Lumley Road (SR 1966) from Miami Boulevard (SR 1959) eastwardly to Page Road (SR 1973) was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: LOADING AND UNLOADING ZONE - PERRY STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish a loading and unloading zone on the north side of Perry Street in the area beginning at a point 139 feet west of the west curb line of Broad Street, if extended, and extending for a distance of 55 feet westwardly was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: HANDICAP PARKING - IREDELL STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish handicap parking on the west side of Iredell Street in the area beginning at a point 50 feet north of the north curb line of Perry Street, if extended, and

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extending for a distance of 50 feet northwardly was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the official minutes of the June 1, 1998 and June 15, 1998 regular City Council Meetings was approved at 7:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: Sewer Main - Inlet Avenue** from Junction Road to Harvest Street (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main on Inlet Avenue from Junction Road to Harvest Street under the Enabling Act Authority was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED AMENDMENT TO THE PERFORMANCE SECTION OF THE DURHAM ZONING ORDINANCE TO REVISE STANDARDS FOR FENCES [TC73-98]**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed amendment concerning standards for fences; and

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To adopt "An Ordinance to Amend the Durham Zoning Ordinance Regarding Performance Standards for Fences" [TC73-98] was approved at 7:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Joint City-County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

**SUBJECT: PROPOSED AMENDMENT TO THE SIGN SECTION OF THE DURHAM ZONING ORDINANCE TO REFINE CERTAIN SIGN STANDARDS [TC77-98]**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning refinements in the Zoning Ordinance regarding standards for signs; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Refine the Zoning Ordinance Standards Regarding Signs" was approved at 7:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Joint City/County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

**SUBJECT: PROPOSED AMENDMENT CONCERNING STANDARDS FOR SWIMMING POOLS [TC78-98]**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed amendment to the Supplementary Standards Section of the Durham Zoning Ordinance to revise standards for certain swimming pools; and

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To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Address Setbacks for Residential Swimming Pools" was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Engelhard. Absent: None.

Joint City/County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

**SUBJECT: ZONING MATTER CASE P97-83 [AMENDED] TRAMMELL CROW, 3900 GARRETT ROAD**

Case: P97-83 [Amended]

Applicant: Trammell Crow

Location: The 66.4-acre site consists of two parcels located at 3900 Garrett Road, identified as Tax Map 463, Block 1, Lots 2 and 3

Request: Rezoning from R-20 (Residential 20) to PDR 4.25 (Planned Density Residential with 4.25 units per acre)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR 4.25.

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

**Note: Valid Protest Petitions filed against this rezoning matter.**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

### **Proponents**

Attorney Jack Markham, representing Trammell Crow, gave a brief overview of the case. In an attempt to make the project acceptable to Garret Farms/Landsbury Drive neighborhoods, Mr. Markham stated the development plan had been modified with 282 units. He noted Trammell Crow and the two neighborhoods have been communicating back and forth with offers and counter offers in an attempt to reach common grow. Attorney Markham stated the applicant's most recent offer to the neighborhoods was to reduce the density to 270 units in response to the neighborhood's last offer which was 235 units or 198 units with a 53 unit living care facility. Attorney Markham stated they felt both proposals by the neighborhood were not feasible under the 2020 Plan, 2005 Plan, and economically unfeasible for Trammell Crow.

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Attorney Markham stated at this time Trammell Crow was willing to make the following modifications to the development plan: 1) remove the trash compactor to a distance of 650 feet from the western right-of-way of Garrett Road; 2) Trammell Crow will offer the connection along Collander Drive as a pedestrian and bicycle path rather than the full access for motor vehicles; and 3) Trammell Crow offers to dedicate land in Area C for playing fields to be built and operated by the city.

While less innovative than the first development plan, Attorney Markham noted the plan before the council was still an excellent plan. Mr. Markham requested the council to approve the project.

### **Opponents**

Mike Sterner, President of Landsbury/Waterbury Association, stated the neighborhoods have negotiated with Trammell Crow in good faith; however, the proposed project does not fit the integrity of this neighborhood. Mr. Sterner asked the council to show their support for the citizens of Durham and vote no for this project.

David Fox, a resident of Garrett Farms, requested denial of this project. He stated if the council granted the developer's request it sends a message to developers that they do not have to deal with the neighborhoods. Mr. Fox stated if the council chose to approve this proposal that the following conditions be included: 1) Collander Drive not be opened for vehicle access or a bike path; and 2) the trash compactor be moved away from Garrett Road.

### **Rebuttal**

Attorney Jack Markham stated that Trammell Crow began meeting with the neighborhoods in August 1997 and they did not have any substantive input from the neighborhoods until after the City Council meeting in April. He noted they sent letters to the neighborhood representatives offering to work with them to develop a project which they could support and the neighborhood's response was it was very little which could be negotiated since all Trammell Crow wanted was high density residential. As indicated earlier, Mr. Markham noted Trammell Crow was willing to standby the offer of 270 units and the applicant feels they cannot go below the 270 units. Attorney Markham asked the council to uphold the guidelines of the 2005 and 2020 plans and approve this project.

Mayor Tennyson closed the public hearing.

### **[Comments from Council]**

Council Member Blyth asked if the open space on the plan was



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permanently protected.

Nazeeh Abdul-Hakeem, of the City/County Planning Department, replied it was permanently protected - it would probably require a change in the development plan or a new rezoning to develop the property. He stated the protection was that a new rezoning would have to be applied for in order to make changes.

Council Member Blyth stated this proposal was a good development; however, she noted she was troubled that the city was not at a point to deal with the transportation problems especially the ones in this area quickly.

A motion was made by Council Member Blyth to approve the rezoning request with the following condition: 1) development plan be changed to reflect Collander Drive Connector be pedestrian only; 2) trash compactor be located in the area the neighborhood was comfortable with; and 3) the density be limited to 251 units. The motion failed due to the lack of a second.

For clarification, Council Member McKissick asked the applicant if the plan before the council this evening was for 282 units.

Attorney Markham replied that is correct; however, the applicant was willing to make a modification of 270 units; and willing to make the modification on the development plan relative to the new location of the trash compactor. Also, he noted the applicant was willing to make Collander Drive pedestrian/bicycle access.

Council Member McKissick noted the administration would prefer having the Collander Drive connection as a roadway connection.

Earl Lewellyn, of the Transportation Department, replied yes consistent with the 2020 Plan and past policy. Mr. Lewellyn stated if a vehicular connection is not approved, the staff would recommend access for bikes and pedestrians.

For clarification, Council Member McKissick asked the administration if they were stating it would not have an adverse impact on traffic if there was not a roadway connection and instead there was a bikeway/pedestrian connection at this particular location.

Earl Lewellyn replied that is correct.

A motion was made by Council Member McKissick to approve the rezoning request with the following conditions: 1) Trash compactor located 650 feet from Garrett Road; 2) Collander Drive be pedestrian/bikeway connection; and 3) 270 units on site. This motion was seconded by Council Member Miller.

A substitute motion was made by Council Member Jacobs to approve

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the rezoning request with the following notes on the development plan: 1) Trash compactor will be located approximately 650 feet from Garrett Road; 2) No Collander Drive connection; and 3) Reduce to 270 units. This motion was seconded by Mayor Pro Tempore Clement.

A substitute motion to the substitute was made by Council Member Cox to approve the rezoning request with the following notes on the development plan: 1) Reduce units to 262; 2) Trash compactor be located 650 feet from Garrett Road; and 3) Deleting Collander Drive connection. This motion was seconded by Council Member Brown.

At this time, Council Member Brown withdrew her second to Council Member Cox's motion.

The Planning staff indicated at 270 units the density would be 4.07 and at 262 units the density would be less than 4.

Council Member Cox asked that his motion be amended to reflect 266 units instead of 262 units. Motion failed due to the lack of a second.

**SUBSTITUTE MOTION** by Council Member Jacobs seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR 4.25 with the following notes on the development plan: 1) Trash compactor will be located approximately 650 feet from Garrett Road; 2) No Collander Drive connection and 3) Reduce to 270 units **FAILED** at 8:47 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette and Jacobs. Noes: Mayor Tennyson and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Langley, Larson, McKissick and Miller. Absent: None.

**MOTION** by Council Member McKissick seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR 4.25 with the following notes on the development plan 1) Trash compactor will be located approximately 650 feet from Garrett Road; 2) Collander Drive Connection will be pedestrian/bicycle access; and 3) Reduce density to 270 units was approved at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Cox. Absent: None.

**SUBJECT: ZONING MATTER CASE P97-45, DIXON WEINSTEIN ARCHITECTS FOR**

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**RANDY BRAME, 618 MOREHEAD AVENUE BOUNDED BY PARKER STREET**

Case: P97-45

Applicant: Dixon Weinstein Architects for Randy Brame

Location: 3.045 acres located at 618 Morehead Avenue, bounded by Parker Street, Vickers Avenue, Morehead Avenue and Durham Expressway (Tax Map #157-2-2)

Request: Rezoning from R-8 (Residential) to OI-1(D) (Transitional Office/Institutional with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-8 and placing same in and establishing same as OI-1(D).

Zoning Committee's Recommendation: Approval, 7-0

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-8 and placing same in and establishing same as OI-1(D) was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P98-29, GARY HOCK, INDEPENDENCE PARK, EAST OF ROXBORO ROAD WEST OF BEN FRANKLIN BOULEVARD**

Case: P98-29

Applicant: Gary Hock

Location: Independence Park, generally east of Roxboro Road, west of Ben Franklin Boulevard, north of Carver Street Extension, and south of Pacific Avenue (Tax Map 742, Block 1, Lots 7, 7A, 8, 8A, 9, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, and all of 742A)

Request: Rezoning from OI-1(D) to OI-1(D), PDR-10 to PDR-10, PDR-8 to PDR-8, GC(D) to GC(D), OI-2(D) to OI-2(D), OI-2(D) to GC(D) and NC(D) to NC(D) and change in development plan approved as Case P97-5

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by rezoning the above

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described property from OI-1(D) to OI-1(D), PDR-10 to PDR-10, PDR-8 to PDR-8, GC(D) to GC(D), OI-2(D) to OI-2(D), OI-2(D) to GC(D) and NC(D) to NC(D) and changing the development plan approved as Case P97-5.

Zoning Committee's Recommendation: Approval, 6-1

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Stephanie Powell, representing the applicant, spoke in support of the request.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by rezoning the above described property from OI-1(D) to OI-1(D), PDR-10 to PDR-10, PDR-8 to PDR-8, GC(D) to GC(D), OI-2(D) to OI-2(D), OI-2(D) to GC(D) and NC(D) to NC(D) and changing the development plan approved as Case P97-5 was approved at 9:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED AMENDMENT TO THE CITY CODE TO ALLOW THE REMOVAL OF OBSTRUCTIONS IN THE RIGHT OF WAY THAT CREATE A DANGEROUS CONDITION**

To receive citizens' comments concerning the proposed amendment.

To adopt "An Amendment to the City Code to Allow the Removal of Obstructions in the Right of Way that Create a Dangerous Condition."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Frances Fullwood, a resident of Hilcrest Drive, requested that the memorial for Christopher Page on Guess Road be removed.

Garland Weathers, a resident of Hilcrest Drive, asked that the memorial on Guess Road be removed. He noted the memorial was dangerous to children. Mr. Weathers noted the memorial has remained on Guess Road for 8 months and it has become an eyesore and embarrassment.

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Leslie Dunbar, representing Religious Coalition for a Non-Violent Durham, noted his organization discussed the memorial located on Guess Road at their June 25th meeting. Mr. Dunbar stated the memorial on Guess Road was a continuing visual which was action of the first amendment.

Donna Hall asked that the memorial for her son be allowed to remain until the person who murdered her son was caught and convicted.

Joan Franklin stated the city's right-of-way was not the right place for memorials.

The Mayor asked if there were other persons wanting to speak on this matter. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member McKissick seconded by Council Member Brown to receive citizens' comments concerning the proposed amendment; and

To adopt "An Amendment to the City Code to Allow the Removal of Obstructions in the Right of Way that Create a Dangerous Condition" was approved at 9:33 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement. Absent: None.

**[OTHER MATTERS]**

**SUBJECT: REPORT FROM THE TAXICAB COMMISSION**

To receive a report from the Taxicab Commission and to take action on the recommendation of the Commission--pursuant to Section 22.159.10 of the Durham City Code as follows:

Transfer W & W Cab Company Operator's License #191 from Willie Weeks, Jr. to Joseph Adams

Taxicab Inspector's Recommendation: Approve transfer of Operator's License #191--in accordance with City Code

Taxicab Commission's Recommendation: Approve transfer of Operator's License #191; Vote 3-0.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Taxicab Commission's recommendation [approve transfer of W & W Cab Company Operator's License #191 from Willie Weeks, Jr. to Joseph Adams] was approved at 9:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: TAXICAB INSPECTOR'S REPORT**

To receive a report from the Taxicab Inspector and to take action on the recommendations of the Taxicab Inspector--pursuant to Section 22.159.10 of the Durham City Code as follows:

Transfer of Operator's Licenses

- a. W & W Cab Company #192 from Willie Weeks, Jr. to Jemal M. Osman

Taxicab Inspector's Recommendation: Approval of transfer--pursuant to Section 22-98 of the Durham City Code

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Taxicab Inspector's recommendation [approve transfer W & W Cab Company #192 from Willie Weeks, Jr. to Jemal M. Osman] was approved at 9:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- b. Green's Cab Company #189 from James Green to Abdulraouf Ali

Taxicab Inspector's Recommendation: Approval of transfer--pursuant to Section 22-98 of the Durham City Code

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Taxicab Inspector's recommendation [approve transfer Green's Cab Company #189 from James Green to Abdulraouf Ali] was approved at 9:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FISCAL YEAR 1999 THROUGH FISCAL YEAR 2004 CAPITAL IMPROVEMENT PROGRAM**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning FY 1999 through FY 2004 Capital Improvement Program; and

To adopt the following capital project ordinances was approved at 9:42 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.  
Noes: None. Absent: None.

- 1) Capital Project Ordinance Superseding Ordinance #10766  
Concerning Carolina Solite Park
- 2) Capital Project Ordinance Concerning Cook Road Park
- 3) Capital Project Ordinance Repealing Ordinance #11162  
Concerning Hillside Park Phase Two
- 4) Capital Project Ordinance Superseding Ordinance #10773  
Concerning Indian Trail Park Relocation
- 5) Capital Project Ordinance Superseding Ordinance #10769  
Concerning Park Improvements
- 6) Capital Project Ordinance Superseding Ordinance #11164  
Concerning Parkland Acquisition
- 7) Capital Project Ordinance Superseding Ordinance #11166  
Concerning River Forest Park
- 8) Capital Project Ordinance Superseding Ordinance #10771  
Concerning Twin Lakes Park Expansion
- 9) Capital Project Ordinance Superseding Ordinance #10772  
Concerning Valley Springs Park
- 10) Capital Project Ordinance Superseding Ordinance #11314  
Concerning American Tobacco Trail - Morehead Avenue to  
Cornwallis Road
- 11) Capital Project Ordinance Superseding Ordinance #10767  
Concerning Open Space and Greenways Preservation
- 12) Capital Project Ordinance Concerning Cemetery Accounting and  
Records System
- 13) Capital Project Ordinance Concerning Cemetery Road -  
Beechwood Section G
- 14) Capital Project Ordinance Superseding Ordinance #11169  
Concerning City Facilities Renovations
- 15) Capital Project Ordinance Superseding Ordinance #11170  
Concerning Fleet Maintenance Emergency Power System
- 16) Capital Project Ordinance Superseding Ordinance #11171  
Concerning Fleet Maintenance Parking Lot Improvements

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- 17) Capital Project Ordinance Superseding Ordinance #10417  
Concerning Geographic Information System
- 18) Capital Project Ordinance Concerning Preventive Maintenance  
and Building Inventory System
- 19) Capital Project Ordinance Superseding Ordinance #10508  
Concerning Solid Waste Management Facilities
- 20) Capital Project Ordinance Superseding Ordinance #11172  
Concerning Underground Fuel Tanks Removal and Replacement
- 21) Capital Project Ordinance Superseding Ordinance #11268  
Concerning Affordable Housing
- 22) Capital Project Ordinance Superseding Ordinance #11087  
Concerning Fire Facility Renovations
- 23) Capital Project Ordinance Superseding Ordinance #11204  
Concerning Fire Station #13 - South Miami Boulevard
- 24) Capital Project Ordinance Superseding Ordinance #11175  
Concerning Fire Storage Facility
- 25) Capital Project Ordinance Superseding Ordinance #11176  
Concerning Fire Training Grounds
- 26) Capital Project Ordinance Superseding Ordinance #10784  
Concerning Briggs Avenue Extension
- 27) Capital Project Ordinance Concerning Fayetteville Road  
Widening
- 28) Capital Project Ordinance Superseding Ordinance #10786  
Concerning Martin Luther, Jr. King Parkway - Phase I
- 29) Capital Project Ordinance Concerning Martin Luther, Jr. King  
Parkway Phase II
- 30) Capital Project Ordinance Superseding Ordinance #11397  
Concerning Miscellaneous Thoroughfare Right-of-Way  
Acquisition and Construction
- 31) Capital Project Ordinance Superseding Ordinance #11084  
Concerning NCCU Traffic and Pedestrian Signals
- 32) Capital Project Ordinance Superseding Ordinance #11180  
Concerning New Sidewalks
- 33) Capital Project Ordinance Superseding Ordinance #11181  
Concerning Sidewalk Repair and Replacement



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- 34) Capital Project Ordinance Superseding Ordinance #11415  
Concerning Street Capacity and Safety Improvements
- 35) Capital Project Ordinance Superseding Ordinance #11398  
Concerning Traffic Calming
- 36) Capital Project Ordinance Superseding Ordinance #11334  
Concerning Interim Amtrak Station Improvements
- 37) Capital Project Ordinance Superseding Ordinance #11186  
Concerning Asbestos Cement Line Replacement
- 38) Capital Project Ordinance Concerning Brown Water Treatment  
Plant Expansion
- 39) Capital Project Ordinance Superseding Ordinance #11191  
Concerning Durham County Water and Sewer Lines
- 40) Capital Project Ordinance Superseding Ordinance #10954  
Concerning Eastern Reinforcing Main
- 41) Capital Project Ordinance Concerning Finished Water Storage
- 42) Capital Project Ordinance Superseding Ordinance #11313  
Concerning Future Water Supply and Water Quality Protection
- 43) Capital Project Ordinance Superseding Ordinance #10982  
Concerning Lake Michie Dam Renovations
- 44) Capital Project Ordinance Superseding Ordinance #10980  
Concerning Pitometer Water Distribution Connections
- 45) Capital Project Ordinance Superseding Ordinance #10978  
Concerning Teer Quarry Water Storage Development
- 46) Capital Project Ordinance Superseding Ordinance #10531  
Concerning Two-Inch Water Main Replacement
- 47) Capital Project Ordinance Superseding Ordinance #11189  
Concerning Water Lines Extensions and Improvements
- 48) Capital Project Ordinance Superseding Ordinance #10981  
Concerning Water Pilot Plant
- 49) Capital Project Ordinance Superseding Ordinance #10535  
Concerning North Durham Water Reclamation Facility Upgrade &  
Expansion
- 50) Capital Project Ordinance Superseding Ordinance #10975  
Concerning Sludge Treatment and Disposal System
- 51) Capital Project Ordinance Superseding Ordinance #10953  
Concerning Sewer Lines Extensions and Improvements - through

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- 52) Capital Project Ordinance Concerning Sewer Lines Extensions and Improvements - FY 1999
- 53) Capital Project Ordinance Superseding Ordinance #10537 Concerning Sewer Pump Station Removal
- 54) Capital Project Ordinance Superseding Ordinance #11193 Concerning Sewer Rehabilitation - Through FY 1998
- 55) Capital Project Ordinance Concerning Sewer Rehabilitation - FY 1999

**MOTION** by Council Member McKissick seconded by Council Member Blyth to direct the administration to see if funding is available from Woodcroft Parkway to Juliette (Hope Valley Farms) regarding Capital Project Ordinance Concerning Fayetteville Road Widening was approved at 9:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Member Larson. Absent: None.

**SUBJECT: UNISYS CLEARPATH SYSTEM CONTRACT**

To authorize the City Manager to enter into a contract with Unisys Corporation to purchase the Unisys ClearPath System in the amount of approximately 1,000,000, including finance charges, to replace the Unisys A-11 mainframe computer; and, to pay the Unisys Corporation interim licensing and maintenance charges for the existing A-11 System of approximately \$17,000 per month until the ClearPath System is installed and fully operational.

**Note: At the Committee-of-the Whole Meeting, the Council voted to refer this matter to the July 23, 1998 Finance Committee Meeting.**

**SUBJECT: DEVELOPMENT REVIEW FEE ADJUSTMENTS FOR 1998-99**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report on development review fees; and

To adopt a "Resolution Establishing Fees for Development Reviews and Consideration" was approved at 9:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: FLAG ORDINANCE**

**MOTION** by Council Member Larson seconded by Council Member Langley to adopt a "Resolution Designating Zoning Code Amendment Regarding Changing Standards for Flags as a Council-Initiated Zoning Amendment and Setting a Public Hearing Concerning Such Amendment"-**-public hearing set for Monday, August 3, 1998** was approved at 9:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Council Member Miller. Absent: None.

**SUBJECT: PAY RAISE OF CITY COUNCIL MEMBERS AND CITY COUNCIL TRAVEL POLICY**

a. Pay Raise of City Council Members

To hold a discussion to reconsider the pay raise of City Council Members.

A motion was made by Mayor Pro Tempore Clement to amend the budget ordinance to increase the salary of the Mayor and Council Members by 3% with remaining balance of money to be utilized by the Police Department. Motion failed due to the lack of a second.

A motion was made by Council Member Cox to amend the 1998-99 budget ordinance to set the salary of the Mayor \$15,362 and City Council Members \$11,999. This motion was seconded by Council Member Jacobs.

A substitute motion was made by Council Member Larson to reduce the salary of the Mayor and City Council Members [Mayor to be paid \$14,000 and Council Members to be paid \$11,000] and the remaining money to be returned to the fund balance. This motion was seconded by Council Member Blyth.

**SUBSTITUTE MOTION TO THE SUBSTITUTE** by Council Member McKissick seconded by Council Member Burnette to adopt "An Ordinance Amending the 1998-99 City of Durham Budget Ordinance, the Same Being Ordinance 11475" to set the per annum compensation of the Mayor as \$15,362 and the per annum compensation of members of the City Council, other than the Mayor, as \$11,999 **contingent upon opinion from the Attorney General on decreasing salaries FAILED** at 10:36 p.m. by the following vote: Ayes: Council Members Langley, Burnette and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Cox, Engelhard, Griffin, Jacobs, Larson and Miller. Absent: None.

**SUBSTITUTE MOTION** by Council Member Larson seconded by Council

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Member Blyth to reduce the salary of the Mayor and City Council Members [Mayor to be paid \$14,000 and Council Members to be paid \$11,000 as in the 1997-98 budget] and the remaining money to be returned to the fund balance **FAILED** at 10:37 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Larson and Blyth. Noes: Mayor Tennyson and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Absent: None.

**MOTION** by Council Member Cox seconded by Council Member Jacobs to adopt "An Ordinance Amending the 1998-99 City of Durham Budget Ordinance, the Same Being Ordinance 11475" to set the per annum compensation of the Mayor as \$15,362 and the per annum compensation of members of the City Council, other than the Mayor, as \$11,999 was approved at 10:38 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Brown, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Members Burnette, Miller and Blyth. Absent: None.

**MOTION** by Council Member Cox seconded by Council Member Jacobs to establish a 10 member citizens' committee consisting of former council members and community leaders, appointed by the Mayor and approved by the City Council, to review history, current status and trends concerning compensation, expenses and expectations of mayors and city council members in North Carolina and comparable cities nationally and make recommendations as to changes in policy and procedures [report to be provided to the council at the November 12, 1998 Committee-of-the-Whole Meeting] was approved at 10:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Cox, Engelhard, Griffin, Jacobs, Larson, McKissick and Miller. Noes: Council Members Langley, Burnette and Blyth. Absent: None.

b. City Council Travel Policy

To discuss the City Council Travel Policy

**MOTION** by Council Member McKissick seconded by Council Member Miller to refer the City Council Travel Policy to the Procedures Committee was approved at 10:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[ITEM PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: MORATORIUM ON ENFORCEMENT OF CURRENT FLAG ORDINANCE**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore

**July 20, 1998**

Clement to approve placing a moratorium on the enforcement of the current Flag Ordinance was approved at 10:41 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Council Member Miller. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:41 p.m.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk